

Message Text

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PAGE 01 STATE 307184
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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA PRIORITY

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E.O. 11652: GDS

TAGS:PFORPN

SUBJECT: HUMAN RIGHTS REPORT ON PANAMA

1. AS EMBASSY IS AWARE, UNCLASSIFIED HUMAN RIGHTS REPORTS ON INDIVIDUAL COUNTRIES WILL ACCOMPANY THE CONGRESSIONAL PRESENTATION DOCUMENT FOR SECURITY ASSISTANCE WHEN IT GOES TO THE HILL SOMETIME EARLY NEXT YEAR. THE EXACT DATE WILL BE DETERMINED BY THE NEW ADMINISTRATION. PRESENT SCHEDULE CALLS FOR PRINTING OF THE REPORTS ON JANUARY 15.

2. TEXT OF AGREED ARA PAPER ON PANAMA IS TRANSMITTED FOR EMBASSY INFORMATION AND ANY COMMENTS. EMBASSY COMMENTS SHOULD BE SLUGGED FOR ARA/PAN.

3. BEGIN TEXT:

I. POLITICAL SITUATION

PANAMA IS A REPUBLIC GOVERNED UNDER THE PROVISIONS OF A CONSTITUTION WHICH ENTERED INTO FORCE OCTOBER 11, 1972.

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PAGE 02 STATE 307184

THE PRESENT GOVERNMENT CAME INTO POWER IN 1968 FOLLOWING A COUP. ORGANIZED OPPOSITION BY POLITICAL PARTIES IS NOT PERMITTED. A TRANSITORY PROVISION OF THE 1972 CONSTITUTION

GRANTS GENERAL OMAR TORRIJOS BROAD POWERS AS CHIEF OF

GOVERNMENT FOR A SIX-YEAR PERIOD.

TORRIJOS HAS BASED HIS GOVERNMENT ON BROAD SUPPORT WITHIN PANAMA, AND HAS MADE A NUMBER OF CONCESSIONS TO BOTH THE LEFT AND THE RIGHT TO ASSURE THE CONTINUATION OF THIS SUPPORT.

II. LEGAL SITUATION

THE CONSTITUTION GUARANTEES EQUALITY BEFORE THE LAW. IT GUARANTEES A HEARING BEFORE A COMPETENT AUTHORITY WITHIN 24 HOURS OF DETENTION, AND WRIT OF HABEAS CORPUS.

WARRANTS ARE REQUIRED BEFORE A SEARCH CAN BE UNDERTAKEN. THE CONSTITUTION ALSO GUARANTEES FREEDOM OF MOVEMENT, RELIGION, ASSEMBLY AND EXPRESSION. THESE GUARANTEES ARE GENERALLY OBSERVED.

JUSTICE IS GENERALLY ADMINISTERED FAIRLY AND WITHOUT REGARD TO RACE, SOCIAL CLASS OR WEALTH.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: IN GENERAL, PANAMANIANS ENJOY THE GUARANTEE OF LIFE, LIBERTY AND SECURITY OF PERSON. A VERY FEW EXCEPTIONS HAVE OCCURRED WHERE INDIVIDUALS ENGAGE IN POLITICAL ACTIVITIES WHICH THE GOVERNMENT CONSIDERS INIMICAL. NEARLY ALL OF THE EXCEPTIONS INVOLVING ARBITRARY IMPRISONMENT ARE LIMITED OFFICIAL USE

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PAGE 03 STATE 307184

MENT OCCURRED PRIOR TO 1972. THE NOTEWORTHY EXCEPTION IN RECENT YEARS OCCURRED WHEN 14 PARTICIPANTS IN THE JANUARY 1976 POLITICAL PROTESTS WERE FORCED INTO EXILE.

ARTICLE 5: AT NO TIME HAS THE PANAMANIAN GOVERNMENT MADE A PRACTICE OF ARBITRARY IMPRISONMENT, TORTURE, OR MURDER FOR POLITICAL PURPOSES. A "PANAMANIAN COMMITTEE FOR HUMAN RIGHTS" PUBLISHED AN ANONYMOUSLY AUTHORED PUBLICATION ALLEGING BRUTALITY ON THE PART OF THE GOVERNMENT. WHILE WE DO NOT HAVE INDEPENDENT CORROBORATION OF THE ALLEGATIONS, OUR RESEARCH SUGGESTS THAT NEARLY ALL OF THE INCIDENTS ARE ALLEGED TO HAVE OCCURRED DURING THE 1968-71 PERIOD.

ARTICLE 8: IN GENERAL, PANAMANIANS CAN OBTAIN AN EFFECTIVE REMEDY FROM THE COURTS IF THEIR RIGHTS ARE VIOLATED. EXCEPTIONS TO THIS ARE MORE FREQUENT FOR POLITICAL

OPPONENTS OF THE GOVERNMENT.

ARTICLE 9: THE GOVERNMENT HAS EXILED OPPONENTS WHO IT FELT THREATENED ITS EXISTENCE. THIS OCCURRED MOST RECENTLY IN JANUARY 1976 WHEN THE GOVERNMENT SUMMARILY EXILED TO ECUADOR 14 PROMINENT PANAMANIANS. ALTHOUGH THIS LATEST GROUP WAS COMPOSED PRIMARILY OF LAWYERS AND BUSINESS MEN, OPPONENTS WHO HAVE BEEN EXILED REPRESENT THE FULL POLITICAL SPECTRUM INCLUDING RADICALS ON THE LEFT AND LEADERS OF THE COMMUNIST PARTY (PDP). EXILED PERSONS FREQUENTLY ARE PERMITTED TO RETURN HOME AFTER A TIME.

ARTICLE 10: THE PRACTICE OF AMPARO (HABEAS CORPUS), WHICH REQUIRES THAT A HEARING TO DETERMINE CHARGES AND RIGHTS BE HELD WITHIN TWENTY-FOUR HOURS AFTER ARREST, IS GENERALLY OBSERVED IN PANAMA.

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PAGE 04 STATE 307184

ARTICLE 11: PANAMANIANS HAVE REASONABLE ASSURANCE OF OBTAINING A FAIR TRIAL IN THE VAST MAJORITY OF CIVIL AND CRIMINAL CASES. THE GUARANTEE OF A FAIR TRIAL MIGHT NOT BE OBSERVED IN A CASE WITH IMPORTANT POLITICAL CONSIDERATIONS, HOWEVER.

B. OTHER IMPORTANT FREEDOMS

THE GOVERNMENT DOES NOT CONDONE DISCRIMINATION ALTHOUGH SOME EVIDENCE OF IT REMAINS IN PANAMA'S RACIALLY-MIXED POPULATION. IN GENERAL, PANAMANIANS CAN MOVE FREELY WITHIN THE COUNTRY AND MAY TRAVEL ABROAD WITHOUT RESTRICTIONS. PROPERTY RIGHTS ARE RESPECTED.

THERE IS FREEDOM OF RELIGION. FREEDOM OF EXPRESSION AND ASSEMBLY IS GENERALLY OBSERVED. HOWEVER, POLITICAL ORGANIZATION AND ACTIVITY ARE LIMITED. ORGANIZED OPEN POLITICAL OPPOSITION IS NOT TOLERATED. THE MEDIA ARE MONITORED BY THE GOVERNMENT. WHILE STRICT CENSORSHIP IS NOT IMPOSED, EDITORS AND OTHERS IN POSITIONS OF RESPONSIBILITY ARE MADE AWARE OF WHAT WILL BE TOLERATED BY THE GOVERNMENT. AT VARIOUS TIMES, HOWEVER, THE MEDIA HAVE INCLUDED SHARP AND SERIOUS CRITICISM OF GOVERNMENT ACTION.

IV. OTHER HUMAN RIGHTS REPORTING

THE AMNESTY INTERNATIONAL REPORT ON TORTURE, PUBLISHED IN 1973, STATES THAT THE MOST SERIOUS ALLEGATIONS OF TORTURE IN PANAMA DATE FROM BEFORE 1970, BUT NOTES ALLEGATIONS OF SINGLE INSTANCES IN 1971 AND 1972. THE AMNESTY INTERNA-

TIONAL REPORT 1975-76 DOES NOT CONTAIN A SECTION ON PANAMA.

FREEDOM HOUSE DESCRIBES PANAMA AS "NOT FREE". END TEXT.

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